

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN THORPE, RICHARD THORPE,
WILLIAM THORPE, and the SAC and
FOX NATION OF OKLAHOMA,

Plaintiffs,

v.

BOROUGH OF JIM THORPE, MICHAEL
SOFRANKO, RONALD CONFER, JOHN
MCGUIRE, JOSEPH MARZEN, W. TODD
MASON, JEREMY MELBER, JUSTIN
YAICH, JOSEPH KREBS, GREG
STRUBINGER, KYLE SHECKLER, and
JOANA KLITSCH,

Defendants.

CIVIL ACTION NO. 3:CV-10-1317

(JUDGE CAPUTO)

ORDER

NOW, this 19th day of April, 2013, **IT IS HEREBY ORDERED** that:

- (1) The Borough of Jim Thorpe's Motion for Summary Judgment Under the Probate Exception to Jurisdiction and the Doctrine of Laches (Doc. 93) is **DENIED**.
- (2) The Borough of Jim Thorpe's Cross-Motion for Summary Judgment (Doc. 99) is **DENIED**.
- (3) Plaintiffs Richard Thorpe, William Thorpe, and the Sac and Fox Nation of Oklahoma's Motion for Summary Judgment (Doc. 95) seeking a declaration as to the applicability of the Native American Graves Protection and Repatriation Act is **GRANTED**. The Borough of Jim Thorpe is a "museum" under the Native American Graves Protection and Repatriation Act and subject to the requirements of the Act, including those provisions governing repatriation requests. See 25 U.S.C. §§ 3001-3013.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge